

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OKLAHOMA

State of Oklahoma, et al.
Plaintiff(s)

vs.

Case Number: 4:05-cv-00329-TCK-SAJ

Tyson Foods, Inc. et al.
Defendant(s)

SUBPOENA IN A CIVIL CASE

TO: Randy Allen
c/o D. Kenyon Williams, Jr., Esq.
Hall, Estill, Hardwick, Gable, Golden & Nelson
320 South Boston Avenue, Suite 400
Tulsa, OK 74103-3708

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
SEE ATTACHED EXHIBIT TO SUBPOENA

PLACE

Riggs, Abney, Neal, Turpen, Orbison & Lewis, 502 W. 6th St., Tulsa, Ok 74119

DATE AND TIME

October 9, 2006 @ 9:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Richard T. Garren, OBA #3253, Attorney for Plaintiff
502 W. 6th St.
Tulsa, Ok 74119

918/587-3161

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D)

¹ If action is pending in district other than district of issuance, state district under case number.

EXHIBIT "A"

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

EXHIBIT TO SUBPOENA DUCES TECUM - DOCUMENT REQUEST

1. Copies of all licenses and renewals of licenses issued by ODAFF (Oklahoma Department of Food & Forestry).
2. All poultry farm operational handbooks, guidelines or manuals including any amendments thereto.
3. All operational manuals, guidelines or handbooks including any amendments thereto delivered or provided to you from any poultry integrator company.
4. All nutrient management plans effecting any land owned by you or poultry growing operation operated by you (current and past).
5. All animal waste management plans effecting any land owned by you or poultry growing operation operated by you (current and past).
6. Any email, correspondence or document (including any drafts of the same) received from the poultry integrator company, supplying poultry to your operation in the period January 1, 2004 to present concerning:
 - a. Any document or record reflecting or referring to all operational requirements of your poultry growing operation;
 - b. The subject of the federal court lawsuit brought by the State of Oklahoma against several poultry integrator companies. (*State v. Tyson et. al.*, Northern District of Oklahoma case number cv-0329-tck-saj)
7. All records required to be maintained by ODAFF in accordance with the Oklahoma Registered Poultry Feeding Operations Act or rules promulgated thereunder, including but not limited to:
 - a. The certificates for educational courses attended for 2005-2006 (Tit.2 OSA Sec.10-9.5);
 - b. Soil and poultry waste analysis data for as long as your poultry operation site was in operation (2 OSA Sec. 10-9.7(e)(2));
 - c. Records of all poultry waste given or sold to another for for as long as your poultry operation site was in operation;
 - d. Records of all poultry waste stored, applied or spread on land in which you have an ownership or leasehold interest for for as long as your poultry operation site was in operation;
 - e. Records of all poultry waste generated at your farming facility that was stored, applied or spread on land of another with or without compensation, trade, or barter for as long as your poultry operation site was in operation.
 - f. Records of all poultry waste generated that was stored, applied or spread on your land by another with or without compensation, trade, or barter for as long as your poultry operation site was in operation.
8. Records of any other disposition or transfer of poultry waste not contained in either 7(c) through 7(f) above.
9. All records, correspondence and email (including documents down loaded from its website) you received or obtained from the entity, or agents for such entity, known as Poultry Partners during 2004-2006 concerning:
 - a. Any change in operational requirements of your poultry growing operation;

- b. The subject of the federal court lawsuit brought by the State of Oklahoma against several poultry integrator companies. (*State v. Tyson et. al.* District Court, Northern District of Oklahoma case number cv-0329-tck-saj)
10. Any document or record containing bio-security guidelines or regulations for your poultry growing operation.
11. Any document, invoice, bill of lading, receipt, delivery ticket, statement, correspondence, email or other such record received by you from or sent by you to any person or entity concerning:
 - a. the clean out of poultry waste from your poultry houses;
 - b. the amount of waste produced from your poultry growing operation;
 - c. the amount of land application of poultry waste on your land;
 - d. the amount of land application of poultry waste on land of another;
 - e. the amount of poultry waste given, sold or disposed of by you or your agent to another person or entity;
 - f. the name of every person receiving poultry waste from your poultry growing operation;
 - g. the location of the site receiving any disposition of poultry waste from your poultry growing operation for each of the years you have operated a poultry growing operation.
12. All documents, correspondence, drafts, settlement or closing statements, notes, mortgages or other records relating to or associated with any loans obtained by you in purchasing the land, building or equipment used directly or indirectly with your poultry growing operation.
13. All documents and records reflecting the constituents contained in the poultry waste generated at your poultry growing operation.
14. All documents and records reflecting the amount of poultry (chickens, turkeys, pullets, layers, hens) grown at your poultry growing operation each year for the period you have operated a poultry growing operation.
15. True and correct copies of Federal and State income tax returns for the years 2000 to present.
16. All grower contracts with any Poultry Integrator Defendant.
17. All feed delivery record receipts.
18. All documents and materials reflecting, relating, or referring to the ingredients and composition of your present and historical feed formula used at your poultry growing operation.
19. All Integrator service technician reports, recommendations, advice, notices and farm visit reports.
20. All documents and materials reflecting, referring or relating to any reports, studies, analyses , testing, investigations or research of the composition of any well water, spring water, pond water, or creek water on, in or under your land from 1960 to present.
21. All documents, correspondence, records, notes, scripts, electronic recordings (audio and video), and electronically stored information reflecting, referring, or relating to any and all media activities in which you have been involved directly or indirectly from 2004 to present regarding poultry farmers or waters of the State of Oklahoma.
22. All documents, reports, records and materials reflecting, referring or relating to any

- reports, studies, analyses, investigation or research supporting the statement: "They're [Poultry farmers] only applying [poultry litter] what the law allows".
23. All documents and materials reflecting, referring or relating to any reports, studies, analyses, investigation or research supporting the statement, "Truth is we're only applying what the law allows and what is environmentally sound."
 24. All documents and materials reflecting, referring or relating to any communication or correspondence from or to any representative, officer, agent, or employee of any of the following:
 - a. Poultry Community Council
 - b. Poultry Partners, Inc.
 - c. Poultry.org;
 - d. Oklahoma Poultry.org.
 - e. BMP, Inc.
 - f. Poultry Federation.
 25. All documents and records reflecting or referring to any and all hormones, antibiotics or other medicines administered at any time to the poultry while in your care or custody
 26. All documents and records reflecting or referring to any and all herbicides and commercial fertilizer applied to your lands for any of the last fifteen (15) years.
 27. All document, correspondence, reports or records prepared by you, or others on your behalf, delivered to John Everett, the Watershed Management Team, or their agents, concerning the participation in or compliance with the terms or intent of that certain Order Approving Settlement Agreement, Vacating Order of March 14, 2003 and Administratively Closing Case entered July 16, 2003 in the case styled *City of Tulsa v. Tyson Foods, Inc. et. al.*, case number 01-CV-0900-EA(C), in the District Court of the Northern District of Oklahoma.
 28. All documents, correspondence, reports or records received by you from the Watershed Management Team, John Everett or their agents or poultry integrators or poultry industry representatives regarding any effects (directly or indirectly) resulting from implementation of the terms and conditions of that certain Order Approving Settlement Agreement, Vacating Order of March 14, 2003 and Administratively Closing Case entered July 16, 2003 in the case styled *City of Tulsa v. Tyson Foods, Inc. et. al.*, case number 01-CV-0900-EA(C), in the District Court of the Northern District of Oklahoma.
 29. All documents, correspondence, report or records maintained by you or have been requested or are required to maintain as a result of that certain Order Approving Settlement Agreement, Vacating Order of March 14, 2003 and Administratively Closing Case entered July 16, 2003 in the case styled *City of Tulsa v. Tyson Foods, Inc. et. al.*, case number 01-CV-0900-EA(C), in the District Court of the Northern District of Oklahoma.

When used herein the term:

- a. "Poultry waste" means poultry litter or poultry feces and any additional material that may be mixed with it such as bedding material, shavings, rice hulls and the like;
- b. "Watershed Management Team" meaning is the same as used in the Order Approving Settlement Agreement, Vacating Order of March 14, 2003 and

Administratively Closing Case entered July 16, 2003 in the case styled *City of Tulsa v. Tyson Foods, Inc. et. al.*, case number 01-CV-0900-EA(C), in the District Court of the Northern District of Oklahoma.

Revised 9/26/06